UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,827	07/20/2000	Yang Cao	Cao-21	3535

7590 03/08/2005	**EXAMINER**
HARNESS, DICKEY & PIERCE	LY, ANH VU H

ART UNIT	PAPER NUMBER
2667	

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DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 January 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11 and 13-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11 and 13-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This communication is in response to applicant's amendment filed January 28, 2005.

Claims 1, 3-11, and 13-32 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 3-11, and 13-32 are rejected under 35 U.S.C. 102(e) as being anticipated by

Shimbashi et al (US Patent No. 6,798,779 B1). Hereinafter, referred to as Shimbashi.

With respect to claims 1, 11, 20, and 27, Shimbashi discloses in Fig. 4, an integrated node

comprises VT switching module 24 (one or more circuit switch fabrics) and ATM switching

module 25 (one or more packet switch fabrics). Shimbashi discloses in Figs. 6 and 7, diagrams

explaining how the data frame (STS, ATM, and LAN packets) changes at each point in the

configuration shown in Fig. 5. Herein, overhead information is extracted and data frames are

either directed to the VT switching module or ATM switching module (a controller configured to

examine traffic overhead information to determine which of switch fabric types to route the

traffic to and to route telecommunications traffic to one or the other of circuit or packet switch

fabrics upon making a determination).

With respect to claims 3, 13, 20, and 27, Shimbashi discloses in Fig. 6, the overhead

information includes SONET frame overhead signal (wherein the overhead information is a

SONET/SDH path overhead byte).

With respect to claims 4, 14, 20, and 27, Shimbashi discloses in Fig. 18, SONET frame

includes SOH, LOH, and POH. Herein, C2 overhead byte is part of the overhead information

(wherein the overhead byte is a C2 overhead byte).

With respect to claims 5-6 and 21-22, Shimbashi discloses in Fig. 4, an integrated node

comprises VT switching module 24 (wherein the circuit switch fabric is a STS cross connect)

and ATM switching module 25 (wherein the packet switch fabric is configured to switch IP or

ATM traffic).

With respect to claims 7 and 23, Shimbashi discloses in Fig. 4, the integrated node

comprises VT switching module 24, ATM switching module 25, spare VT switching module

24', and spare ATM switching module 25' (a plurality of circuit switch fabrics).

With respect to claims 8 and 24, Shimbashi discloses in Figs. 6 and 7, diagrams

explaining how the data frame changes at each point in the configuration shown in Fig. 5.

Herein, overhead information is extracted and data frames are either directed to the VT switching

module or ATM switching module (wherein the controller is configured to examine a path

overhead byte associated with received traffic and to thereby determine whether the traffic is

ATM, IP, or STM traffic).

With respect to claims 9, 18, 25, and 31, Shimbashi discloses in Fig. 7, STS-12 comprises

ATM cell mapping (wherein the controller is configured to dynamically allocated circuit switch

resources to ATM traffic to route the traffic to a packet switch fabric for switching).

With respect to claims 10, 19, 26, and 32, Shimbashi discloses in Fig. 6, LAN packets are

converted to ATM cells. Further, Shimbashi discloses in Fig. 7, STS-12 comprises ATM cell

mapping (wherein the controller is configured to dynamically allocate circuit switch resources to

IP traffic to route the traffic to a packet switch fabric for switching).

With respect to claims 15-16 and 28-29, Shimbashi discloses in Fig. 4, that ATM traffic

and LAN traffic are directed to the ATM switching module 25 (the controller directing ATM

traffic and IP traffic to a packet switch fabric).

With respect to claims 17 and 30, Shimbashi discloses in Fig. 4, that STM traffic is

directed to VT switching module 24 (the controller directing traffic that is neither ATM or IP

traffic to the circuit switch fabric).

Response to Arguments

3.   Applicant's arguments filed January 28, 2005 have been fully considered but they are not

persuasive.

Applicant argues on page 8 that Shimbashi does not disclose or suggest the examination

of traffic overhead information to determine whether to route traffic to a circuit switch fabric or a

packet switch fabric. Examiner respectfully disagrees. First of all, Shimbashi discloses in Figs 3

and 4, an integrated node including both STM and ATM switch capabilities. Further, Shimbashi

discloses in Figs. 6 and 7, diagrams explaining how the data frame (STS, ATM, and LAN

packets) changes at each point in the configuration as shown in Fig. 5. Herein, overhead

information is extracted and data frames are either directed to the VT switching module or ATM

switching module (a controller configured to examine traffic overhead information to determine

whether to route traffic to a circuit switch fabric or a packet switch fabric).

Applicant further argues and assumes on page 9 that the centralized control module 32 is

only responsible for sending signals to either the active STS switching module or the spare STS

switching module when a fault is detected. Examiner respectfully agrees. However, there is

more than one operation being performed by the centralized control module. Such as controlling

and directing the inputted signals to the correct switching fabrics as shown in Figs. 4-10.

Applicant further argues on page 9 that there is no disclosure that the switching is based

on an examination of traffic overhead information, much less the C2 overhead byte. Examiner

respectfully disagrees. Shimbashi discloses in Fig. 18, SONET frame includes SOH, LOH, and

POH. Herein, C2 overhead byte is part of the overhead information (wherein the overhead byte

is a C2 overhead byte).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anh-Vu H Ly whose telephone number is 571-272-3175. The

examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl

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